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July 21, 2023

Via e-filing only and via email to
Chambers of Magistrate Judge Sharon King@njd.uscourts.gov
Magistrate Judge Sharon A. King

Re: Terruso v. Atlantic County Justice Facility et al.
Case No. 1:21-cv-15288-NLH-SAK

Honorable Judge:

I, along with my partner, Timothy R. Smith, Esq., represent defendant, Sgt. Eric Tornblom, in defense of the state criminal charges now pending against him. We have also entered our appearance before this Court as co-counsel in this civil action.

The purpose of this letter is to request, on behalf of defendant, Tornblom, a continuance of the stay of the proceedings in this action pending disposition of the interrelated state criminal matter, The State Of New Jersey v. Tornblom, et al., Indictment No. 23-4-53, in order to preserve defendant's 5th Amendment rights and parallel rights afforded to defendant under the Constitution of New Jersey including, but not limited to, his right to remain silent, and in order to give full effect to this Court's exceedingly well-reasoned Opinion and Order dated January 28, 2022.

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As a preliminary matter, defendant joins in with the request of defendants, CFG Health Systems, LLC; Dawn Gilbert, R.N.; Deling Sandoval, R.N.; Carol Calcerano, N.P.; Hamilton Township; Denise Nelson; Cory Silvio; William Howze; Servando Pahang; and Michael Schnurr, for a continuance of the stay of this action.

As the Court is aware, defendant, Tornblom, and other defendants, were indicted on April 24, 2023. That indictment charges defendant with Manslaughter in the 2nd Degree, two counts of Official Misconduct in the 2nd Degree, and Aggravated Assault in the 3rd Degree. Defendant faces a potential custodial sentence of, at minimum, 5 years in state prison with a 5-year parole disqualifier. His maximum sentence could exceed 30 years in state prison.

Because of the significant exposure defendant faces in the interrelated and parallel criminal matter, defendant is not at liberty to speak about the events underlying both actions while he is still under indictment. As such, he is unable to fully engage in discovery, including answering interrogatories or being examined at a deposition.

All factors that this Court weighed in issuing its Order and Opinion dated January 28, 2022, staying this matter weigh even more now in favor of a stay because of defendant's indictment, which this Court correctly noted was the strongest

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factor weighing in favor of a stay. The potential for self-incrimination here is great.

For the foregoing reasons, defendant requests that the stay in this action be continued or that this matter be administratively termination pending disposition of the interrelated and parallel criminal matter to give full effect to this Court's Order dated January 28, 2022, and to preserve defendant's Constitutional Rights including, but not limited to, his right to remain silent and against self-incrimination.

Respectfully submitted,
CARUSO SMITH PICINI, P.C.
Attorneys for Defendant, Eric Tornblom

By: /s/ Wolodymyr P. Tyshchenko
Wolodymyr P. Tyshchenko, Esq.

c: All counsel of record (via ECF)